COMMITTEE OF ADJUSTMENT
City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221, 3935
E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Consent/Land Severance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.:	**SC/B-22:67**	**SUBJECT PROPERTY:**	79 DEERHURST ROAD, STONEY CREEK

APPLICANTS: Owner - Mia Gabriele & Dino Gabriele
Agent - DeFilippis Design

PURPOSE & EFFECT: To convey a vacant parcel of land for residential purposes and to retain a parcel of land containing the existing dwelling (to remain).

	Frontage	**Depth**	**Area**
SEVERED LANDS:	16.0 m±	24.2 m±	390 m^2 ±
RETAINED LANDS:	22.1 m±	24.2 m±	462 m^2 ±

Associated Planning Act File(s): SC/A-22:225

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

This application will be heard by the Committee as shown below:

DATE:	**Thursday, August 11, 2022**
TIME:	**1:15 p.m.**
PLACE:	**Via video link or call in (see attached sheet for details)**
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.



Subject Lands

DATED: July 26, 2022

_____

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public, and may include posting electronic versions..

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent, you must make a written request to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at cofa@hamilton.ca or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: **www.hamilton.ca/committeeofadjustment**

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

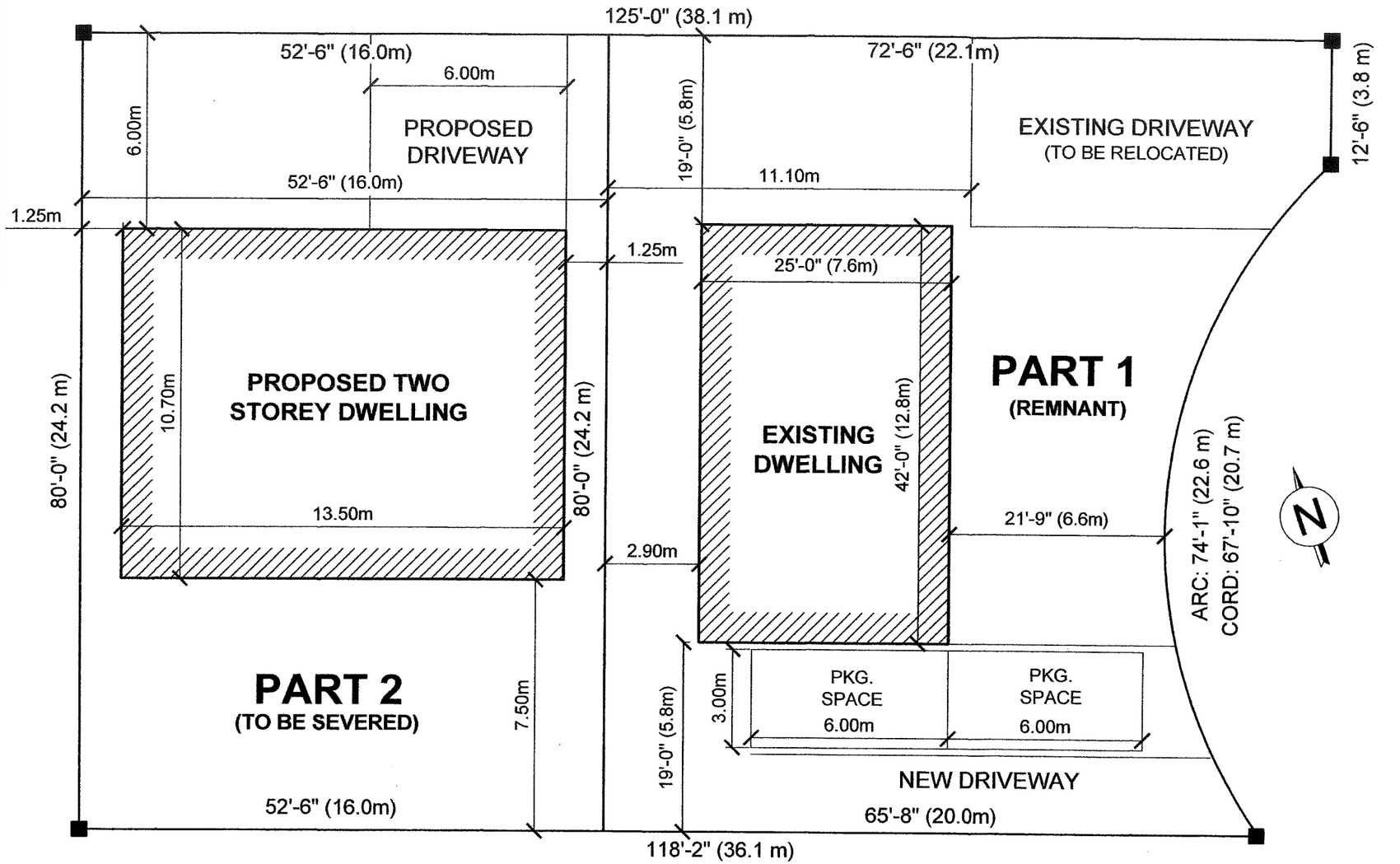
2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

These drawings are the property of DeFILIPPIS DESIGN and are not to be copied, reproduced or used without the express written consent of the designer.



SITE STATISTICS

PART 1

LOT AREA	462 sq.m
LOT COVERAGE (EXIST. 25%)	40% max.
FRONT YARD AREA	127.59 sq.m
FRONT YARD LANDSCAPING	50% min.
HEIGHT (ONE STOREY EXISTING)	7.0m max.

PART 2

LOT AREA	390 sq.m
LOT COVERAGE	40% max.
HEIGHT (DWELLING TWO STOREY)	11.0m max.

NOTES:

1. OWNER/CONTRACTOR TO VERIFY AND CHECK ALL DIMENSIONS AND SPECS PRIOR TO AND DURING CONSTRUCTION.

2. ANY DEVIATIONS, DEFICIENCIES OR DISCREPANCIES FROM THESE DRAWINGS AND SPECS REQUIRES WRITTEN CLARIFICATION AND/OR APPROVAL FROM THE DESIGNER PRIOR TO CONSTRUCTION.

3	
2	
1	JUNE, 2022
REV.	
JOB NO.	
CHKD. BY	
DRN. BY	
DATE: MARCH, 2022	
SCALE:	
DWG NO.	SP-1

DeFILIPPIS DESIGN
687 BARTON ST. E., SUITE 201
STONEY CREEK, ONTARIO L8E 5L6
(905) 643-2250 FAX (905) 643-1095

PROPOSED IN-LAW SUITE FOR:

DINO GABRIELE
79 DEERHURST ROAD
STONEY CREEK, ON

SEVERANCE

Hamilton

Committee of Adjustment
City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221
Email: cofa@hamilton.ca

APPLICATION FOR CONSENT TO SEVER LAND

UNDER SECTION 53 OF THE *PLANNING ACT*

Office Use Only

Date Application Received:	Date Application Deemed Complete:	Submission No.:	File No.:

1 APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Purchaser*	N/A	N/A	**Phone:**
			E-mail:
Registered Owners(s)	MIKE & DINO GABRIELE	[redacted]	
Applicant(s)**	S[redacted]		
Agent or Solicitor	DEFILIPPIS DESIGN		

***Purchaser must provide a copy of the port[redacted] that authorizes the purchaser to make the application in respect of the land that is the subject of the application. (O. Reg. 786/21)**

** Owner's authorisation required if the applicant is not the owner or purchaser.

1.3 All correspondence should be sent to ☐ Purchaser ☐ Applicant ☐ Owner ☒ Agent/Solicitor

2 LOCATION OF SUBJECT LAND

Complete the applicable lines

2.1 Area Municipality	Lot	Concession	Former Township
SALTFLEET			
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 79 DEERHURST AVE, STONEY CREEK			Assessment Roll N°.

2.2 Are there any easements or restrictive covenants affecting the subject land?
☐ Yes ☒ No
If YES, describe the easement or covenant and its effect:

3 PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box)

a) Urban Area Transfer **(do not complete Section 10):**

☒ creation of a new lot
☐ addition to a lot
☐ an easement

Other: ☐ a charge
☐ a lease
☐ a correction of title

b) Rural Area / Rural Settlement Area Transfer **(Section 10 must also be completed):**

☐ creation of a new lot
☐ creation of a new non-farm parcel
(i.e. a lot containing a surplus farm dwelling resulting from a farm consolidation)
☐ addition to a lot

Other: ☐ a charge
☐ a lease
☐ a correction of title
☐ an easement

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:
PENDING

3.3 If a lot addition, identify the lands to which the parcel will be added:

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed (lease, easement, charge etc.):** PART 2

Frontage (m)	Depth (m)	Area (m² or ha)
16.0 m±	24.2m±	390 sq.m±

Existing Use of Property to be severed:

☒ Residential
☐ Agriculture (includes a farm dwelling)
☐ Other (specify)
☐ Industrial
☐ Agricultural-Related
☐ Commercial
☐ Vacant

Proposed Use of Property to be severed:

☒ Residential
☐ Agriculture (includes a farm dwelling)
☐ Other (specify)
☐ Industrial
☐ Agricultural-Related
☐ Commercial
☐ Vacant

Building(s) or Structure(s):
Existing: VACANT
Proposed: TWO STOREY SINGLE FAMILY DWELLING
Existing structures to be removed: N/A

Type of access: (check appropriate box)

☐ provincial highway
☐ municipal road, seasonally maintained
☒ municipal road, maintained all year
☐ right of way
☐ other public road

Type of water supply proposed: (check appropriate box)

☒ publicly owned and operated piped water system
☐ privately owned and operated individual well
☐ lake or other water body
☐ other means (specify)

Type of sewage disposal proposed: (check appropriate box)
- [x] publicly owned and operated sanitary sewage system
- [ ] privately owned and operated individual septic system
- [ ] other means (specify)

4.2 Description of land intended to be **Retained (remainder)**: PART 1

Frontage (m)	Depth (m)	Area (m² or ha)
22.1m ±	24.2m ± (IRREG)	462 Sq m ±

Certificate Request for Retained Lands: ☐ Yes*
N/A
* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. **(O. Reg. 786/21)**

Existing Use of Property to be retained:
- [x] Residential
- [ ] Agriculture (includes a farm dwelling)
- [ ] Industrial
- [ ] Agricultural-Related
- [ ] Commercial
- [ ] Vacant
- [ ] Other (specify) _____

Proposed Use of Property to be retained:
- [x] Residential
- [ ] Agriculture (includes a farm dwelling)
- [ ] Industrial
- [ ] Agricultural-Related
- [ ] Commercial
- [ ] Vacant
- [ ] Other (specify) _____

Building(s) or Structure(s):
Existing: SINGLE FAMILY DWLG (ONE STOREY)
Proposed: SINGLE FAMILY DWELLING TO REMAIN

Existing structures to be removed: None

Type of access: (check appropriate box)
- [ ] provincial highway
- [ ] municipal road, seasonally maintained
- [x] municipal road, maintained all year
- [ ] right of way
- [ ] other public road

Type of water supply proposed: (check appropriate box)
- [x] publicly owned and operated piped water system
- [ ] privately owned and operated individual well
- [ ] lake or other water body
- [ ] other means (specify)

Type of sewage disposal proposed: (check appropriate box)
- [x] publicly owned and operated sanitary sewage system
- [ ] privately owned and operated individual septic system
- [ ] other means (specify)

4.3 Other Services: (check if the service is available)
- [x] electricity
- [x] telephone
- [x] school bussing
- [x] garbage collection

5 CURRENT LAND USE

5.1 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): _____

Urban Hamilton Official Plan designation (if applicable) URBAN SETTLEMENT

Please provide an explanation of how the application conforms with a City of Hamilton Official Plan.

MAINTAIN USE WITHIN AN EXISTING ESTABLISHED RESIDENTIAL NEIGHBOURHOOD

5.2 What is the existing zoning of the subject land? R2 - RESIDENTIAL
If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? _____

5.3 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard*	☐	
A land fill	☐	
A sewage treatment plant or waste stabilization plant	☐	
A provincially significant wetland	☐	
A provincially significant wetland within 120 metres	☐	
A flood plain	☐	
An industrial or commercial use, and specify the use(s)	☐	
An active railway line	☐	
A municipal or federal airport	☐	

*Complete MDS Data Sheet if applicable

6 **PREVIOUS USE OF PROPERTY**

☒ Residential ☐ Industrial ☐ Commercial
☐ Agriculture ☐ Vacant ☐ Other (specify)

6.1 If Industrial or Commercial, specify use N/A

6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
☐ Yes ☒ No ☐ Unknown

6.3 Has a gas station been located on the subject land or adjacent lands at any time?
☐ Yes ☒ No ☐ Unknown

6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
☐ Yes ☐ No ☒ Unknown

6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
☐ Yes ☒ No ☐ Unknown

6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?
☐ Yes ☒ No ☐ Unknown

6.7 Have the lands or adjacent lands ever been used as a weapons firing range?
☐ Yes ☒ No ☐ Unknown

6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
☐ Yes ☒ No ☐ Unknown

6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
☐ Yes ☒ No ☐ Unknown

6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
☐ Yes ☒ No ☐ Unknown

6.11 What information did you use to determine the answers to 6.1 to 6.10 above?
HAS BEEN PART OF RESIDENTIAL SUBDIVISION IN EXCESS OF 50 years

6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
Is the previous use inventory attached?
☐ Yes ☒ No

7 PROVINCIAL POLICY

7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)

☒ Yes ☐ No

INFILL WITHIN EXISTING URBAN BOUNDARY, UTILIZING EXISTING INFRASTRUCTURE

b) Is this application consistent with the Provincial Policy Statement (PPS)?
☒ Yes ☐ No (Provide explanation)

SAME AS 7a

c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
☒ Yes ☐ No (Provide explanation)

DENSITY INCREASE WITHIN EXISTING URBAN SETTLEMENT AREA

d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)
☐ Yes ☒ No

e) Are the subject lands subject to the Niagara Escarpment Plan?
☐ Yes ☒ No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?
☐ Yes ☐ No N/A
(Provide Explanation)

f) Are the subject lands subject to the Parkway Belt West Plan?
☐ Yes ☒ No

If yes, is the proposal in conformity with the Parkway Belt West Plan?
☐ Yes ☐ No (Provide Explanation) N/A

g) Are the subject lands subject to the Greenbelt Plan?
☐ Yes ☒ No

If yes, does this application conform with the Greenbelt Plan?
☐ Yes ☐ No (Provide Explanation) N/A

8 HISTORY OF THE SUBJECT LAND

8.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?
☐ Yes ☐ No ☒ Unknown

If YES, and known, indicate the appropriate application file number and the decision made on the application.

8.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.
N/A

8.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land? ☐ Yes ☒ No

If YES, and if known, provide for each parcel severed, the date of transfer, the name of the transferee and the land use.

8.4 How long has the applicant owned the subject land?
JUNE 1/2022

8.5 Does the applicant own any other land in the City? ☐ Yes ☐ No
If YES, describe the lands in "11 - Other Information" or attach a separate page.
UNKNOWN.

9 OTHER APPLICATIONS

9.1 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval? ☐ Yes ☒ No ☐ Unknown

If YES, and if known, specify file number and status of the application.

9.2 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?
☐ Yes ☒ No ☐ Unknown

If YES, and if known, specify file number and status of the application(s).

File number _____ Status _____

10 RURAL APPLICATIONS

10.1 **Rural Hamilton Official Plan Designation(s)** N/A

☐ Agricultural ☐ Rural ☐ Specialty Crop
☐ Mineral Aggregate Resource Extraction ☐ Open Space ☐ Utilities
☐ Rural Settlement Area (specify) _____ _____
Settlement Area Designation

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm operation.

_____

10.2 **Type of Application** (select type and complete appropriate sections)

- ☐ Agricultural Severance or Lot Addition
- ☐ Agricultural Related Severance or Lot Addition
- ☐ Rural Resource-based Commercial Severance or Lot Addition
- ☐ Rural Institutional Severance or Lot Addition
- ☐ Rural Settlement Area Severance or Lot Addition

(Complete Section 10.3)

☐ Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)

☐ Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation (Complete Section 10.5)

10.3 **Description of Lands**

a) Lands to be Severed:

Frontage (m): (from Section 4.1)	Area (m² or ha): (from in Section 4.1)

Existing Land Use: _____ Proposed Land Use: _____

b) Lands to be Retained:

Frontage (m): (from Section 4.2)	Area (m² or ha): (from Section 4.2)

Existing Land Use: _____ Proposed Land Use: _____

10.4 **Description of Lands (Abutting Farm Consolidation)**

a) Location of abutting farm:

_____

(Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m):	Area (m² or ha):

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of consolidated farm (excluding lands intended to be severed for the surplus dwelling):

Frontage (m):	Area (m² or ha):

Existing Land Use: _____ Proposed Land Use: _____

d) Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m² or ha): (from Section 4.1)

Front yard set back: _____

e) Surplus farm dwelling date of construction:

☐ Prior to December 16, 2004 ☐ After December 16, 2004

f) Condition of surplus farm dwelling:

☐ Habitable ☐ Non-Habitable

g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m² or ha): (from Section 4.2)

Existing Land Use: _____ Proposed Land Use: _____

10.5 **Description of Lands (Non-Abutting Farm Consolidation)**

a) Location of non-abutting farm

_____

(Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

Frontage (m):	Area (m² or ha):

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of surplus dwelling lands intended to be severed:

Frontage (m): (from Section 4.1)	Area (m² or ha): (from Section 4.1)

Front yard set back: _____

d) Surplus farm dwelling date of construction:

☐ Prior to December 16, 2004 ☐ After December 16, 2004

e) Condition of surplus farm dwelling:

☐ Habitable ☐ Non-Habitable

f) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m² or ha): (from Section 4.2)

Existing Land Use: _____ Proposed Land Use: _____

11 OTHER INFORMATION

Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.

12 ACKNOWLEDGEMENT CLAUSE

I acknowledge that The City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

June 20/2022
Date

Dina Gabriele
Signature of Owner

Maria Gabriele